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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
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11 MICHAEL MCGINNIS and CYNDY  
12 BOULTON, individually and on behalf  
of all others similarly situated,

13 Plaintiffs,

14 v.

15 COMMUNITY.COM, INC.,

16 Defendant.  
17

Case No. 2:23-cv-02426-SB-JPR

**[PROPOSED] ORDER THAT  
COURT'S PRIOR ORDER  
DISMISSING CERTAIN CLAIMS  
APPLIES TO FIRST AMENDED  
COMPLAINT AND TO  
RESUBMIT  
COMMUNITY.COM'S FULLY  
BRIEFED MOTION TO DISMISS**

18 The Court, having considered the Joint Stipulation that Court's Prior Order  
19 Dismissing Certain Claims Applies to First Amended Complaint and to Resubmit  
20 Community.com's Fully Briefed Motion to Dismiss, and finding good cause  
21 shown:

22 IT IS HEREBY ORDERED that:

- 23 1. The Court's Order Granting Stipulation to Dismiss Claims Based on  
24 Dismissal in Prior Related Action applies to Plaintiff's First Amended  
25 Complaint. The Causes of Action for Violations of CIPA, California Penal  
26 Code § 631, and for Violations of ECPA, 18 U.S.C. § 2511(1)(a), in the  
27 First Amended Complaint, are dismissed without leave to amend on the  
28 same terms and for the reasons stated in the Court's Order Granting

1 Stipulation to Dismiss Claims Based on Dismissal in Prior Related Action  
2 (ECF No. 36);

3 2. Community's Motion to Dismiss and the Parties' briefing on that Motion  
4 (ECF Nos. 32, 44, 47), are resubmitted as filed to be treated as a fully  
5 briefed motion to dismiss the First Amended Complaint; and

6 3. Community's Motion to Dismiss the remaining claims in the First  
7 Amended Complaint will be heard on September 15, 2023 at 8:30 a.m.

8 **IT IS SO ORDERED.**

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11 Dated: <Select>

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13 Stanley Blumenfeld, Jr.  
14 United States District Judge  
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